

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DR. THOMAS PAYNE

PLAINTIFF

V.

CAUSE NO.: 1:12 CV 0041-KS-MTP

THE UNIVERSITY OF SOUTHERN
MISSISSIPPI, ET AL

DEFENDANTS

**MOTION FOR STAY OR, IN THE ALTERNATIVE,
TO SUSPEND BRIEFING SCHEDULE**

COMES NOW, the Plaintiff, Dr. Tom Payne, by and through his attorney, and files his Motion for Stay or, in the Alternative, to Suspend Briefing Schedule. In support hereof the following is offered:

1. Presently, there is a briefing schedule in place regarding fees.
2. Moreover, there is a Motion for Reconsideration before the Court that is supported by an extensive body of law and extensive references to factual considerations.
3. Upon considering Plaintiff's Motion for Reconsideration, a new Order will be rendered by the Court that addresses the legal precedents and factual matters presented by the Plaintiff. That Order will, of course, control the filings and briefs of the parties.
4. Consequently, the Court is respectfully moved to stay or suspend the briefing schedule until the Court rules upon Plaintiff's Motion for Reconsideration. In this way judicial economy will be promoted because, upon that ruling being rendered, the Court

will have addressed, and considered the legal precedents and factual considerations provided in Plaintiff's Motion for Reconsideration as well as the responses of Defendants and the Reply to those responses of Plaintiff. Many of the precedents favoring Plaintiff and his counsel are so clear that the Defendants will agree with what the precedents establish.

5. As one example of the need for reconsideration, the Fifth Circuit has been very clear that the Court does not have jurisdiction regarding Complaint sanctions since it was filed in State Court. *Edwards v. Crampton*, 153 F. 3d 242,245 (5th Cir. 1998).

7. There are numerous other legal and factual issues presented in the Motion for Reconsideration and its accompanying Memorandum that will be considered and ruled upon by the Court.

8. If the briefing schedule is not stayed or suspended, one round of briefings would be provided [regarding the Court's current order] and, then, upon the Court ruling upon Plaintiff's Motion for Reconsideration, a new round of briefings could ensue regarding the subsequent Order.

9. Consequently, this Motion for Stay or Suspend is respectfully urged and moved.

RESPECTFULLY SUBMITTED on this the 16th day of April, 2015.

s/KIM T. CHAZE

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CERTIFICATE OF SERVICE

I, Kim T. Chaze do hereby certify that I have, this day, caused to be filed with the Clerk of the Court Plaintiff's MOTION FOR STAY OR, IN THE ALTERNATIVE, TO SUSPEND BRIEFING SCHEDULE using the ECF system which transmitted notice of filing to all registered attorneys.

THIS the 16th day of April, 2015.

s/KIM T. CHAZE
KIM T. CHAZE